

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) Case No. CR18-108-RSL
Plaintiff,)
v.) ORDER GRANTING MOTION TO
ANTHONY WEIR,) CONTINUE TRIAL AND PRETRIAL
Defendant.) MOTIONS DEADLINE

This matter comes before the Court on the defendant's "Second Unopposed Motion to Continue Trial and Extend Pretrial Motions Deadline." Dkt. #22. Having considered the facts set forth in the motion, and the defendant's knowing and voluntary waiver, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion; specifically, that defense counsel needs additional time to prepare for trial, which may include an independent forensic analysis of electronics recovered by the government, and that this is despite the parties' attempts to streamline discovery. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

1 3. The Court finds that the additional time requested between November 13,
2 2018, and the proposed trial date of February 5, 2019 is a reasonable period of delay, as
3 defense counsel needs additional time to fully review and synthesize discovery and
4 complete legal research; and that this additional time is necessary to provide defense
5 counsel reasonable time to prepare for trial, considering all of the facts set forth above.

6 4. The Court further finds that this continuance would serve the ends of
7 justice, and that these factors outweigh the best interests of the public and the defendant
8 in a more speedy trial, within the meaning of 18 U.S.C. § 3161(H)(7)(A).

9 5. Defendant has signed a waiver¹ indicating that he has been advised of his
10 right to a speedy trial and that, after consulting with counsel, he has knowingly and
11 voluntarily waived that right and consented to the continuation of his trial to a date up
12 to and including February 18, 2019, Dkt. #23, which will permit trial to start on
13 February 5, 2019, per defense counsel's request.

14 IT IS HEREBY ORDERED that the trial date be continued from November 13,
15 2018, to February 5, 2019.

16 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued
17 to January 4, 2019.

18 IT IS FURTHER ORDERED that the period of time from the current trial date
19 of November 13, 2018, up to and including February 18, 2019, shall be excludable time
20 pursuant to the 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing
21 and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
22 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

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25 ¹ Mr. Weir's "Waiver of Speedy Trial" incorrectly states the original trial date as November
26 12, 2018, instead of November 13, 2018. Dkt. #23. The Court assumes that this was an
inadvertent error. Mr. Weir's waiver is valid.

1 DATED this 19th day of October, 2018.
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Robert S. Lasnik
United States District Judge